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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

WAYNE McFARLIN,

Plaintiff,

v.

EDWARD GORMLEY, an individual; CITY
OF McMinnville, a Municipal
Corporation; CITY COUNTY INSURANCE
SERVICES TRUST; ROD BROWN, an
individual; PUBLIC SAFETY LIABILITY
MANAGEMENT INC., an Oregon
corporation; WALDO FARNHAM,

Defendant,

Case No.: 3:06 CV 01594-HU

**MOTION TO STRIKE PLAINTIFF'S
EVIDENCE FILED IN SUPPORT OF
HIS RESPONSE TO SUMMARY
JUDGMENT**

LOCAL RULE 7.1 CERTIFICATE

The undersigned herein certifies that he contacted counsel for plaintiff via e-mail and spoke with counsel for plaintiff in regard to this matter, and the issue could not be resolved. As such, the Court's ruling on these motions is necessary.

MOTION

Pursuant to Federal Rule of Civil Procedure 12, 56 and Local Rule 56.1, defendant Waldo Farnham moves this Court to strike as inadmissible portions of the exhibits and documents provided in plaintiff's opposition to summary judgment.

This motion is based on the Court Record and Memorandum of Law attached hereto.

DATED: November 30, 2007

COSGRAVE VERGEER KESTER LLP

/s/ James M. Maldonado

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Attorneys for Defendant Farnham

Trial Attorney: Walter Sweek OSB No. 62092

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing MOTION TO STRIKE PLAINTIFF'S EVIDENCE FILED IN SUPPORT OF HIS RESPONSE TO SUMMARY JUDGMENT on the date indicated below by:

- ☐ mail with postage prepaid, deposited in the US mail at Portland, Oregon,
- ☐ hand delivery,
- ☐ facsimile transmission,
- ☐ overnight delivery,
- ☒ electronic filing notification;

I further certify that said copy was placed in a sealed envelope delivered as indicated above and addressed to said attorney(s) at the address(es) listed below:

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DATED: November 30, 2007

/s/ James M. Maldonado
James M. Maldonado